

The Future of Modernised EU Design Law is the Future of Digital and AI-generated Designs

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EU Designs legal reform

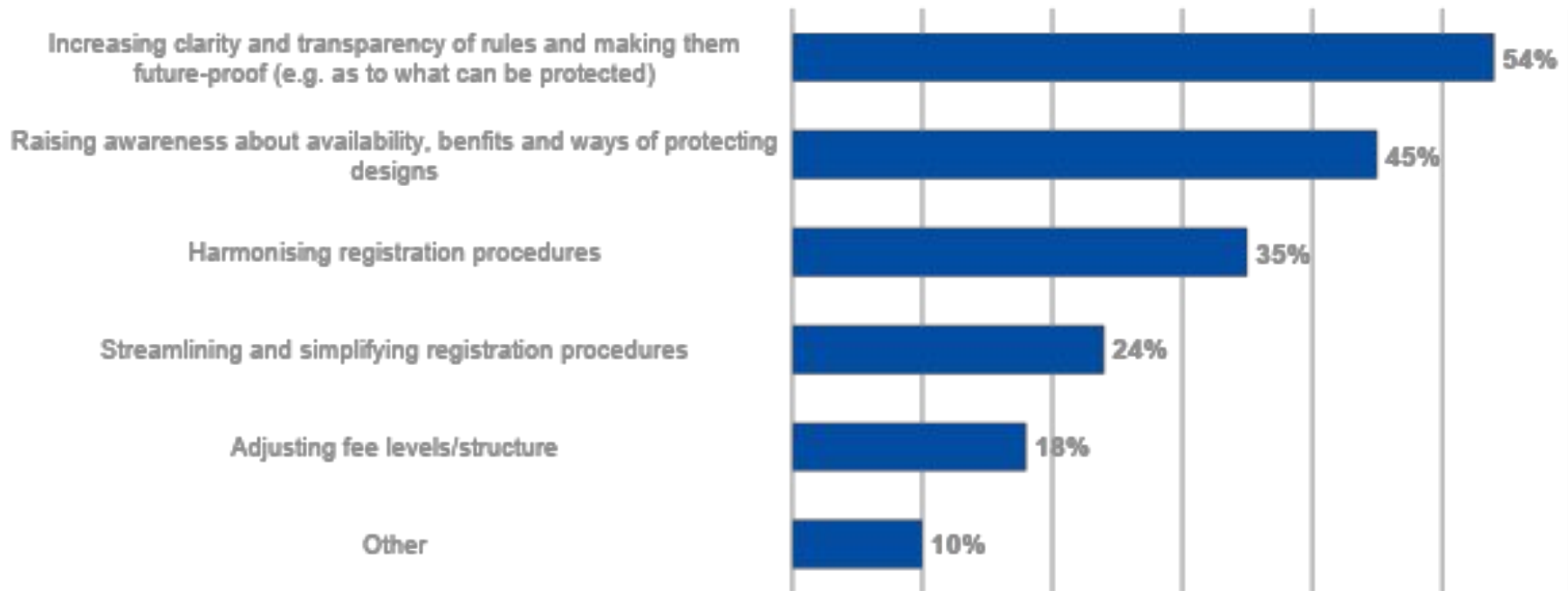
Why and when?

What are the changes?

What are the challenges?

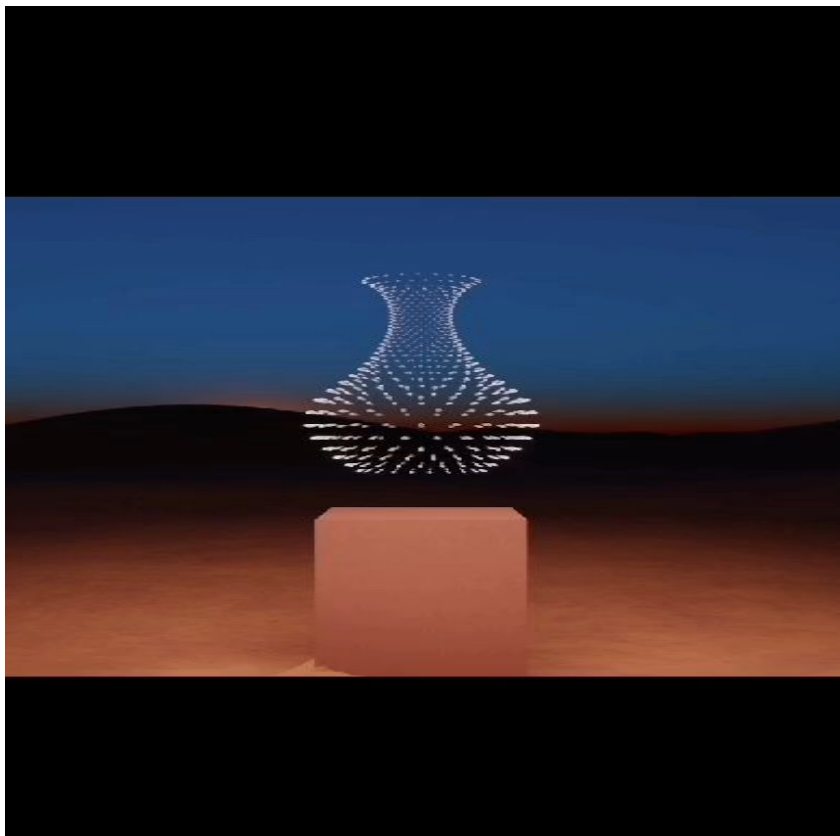


What would help most to rise the usage of design protection? (multiple answers possible, 80 replies)



Modernised laws to protect non-physical products

Living Vase by Hunn Wai and
Francesca Lanzavecchia as
presented for Vogue
Singapore



Modernised laws to protect animation



Bayonetta (video game, animated movie) by Fuminori Kizaki

Modernised laws to protect GUIs



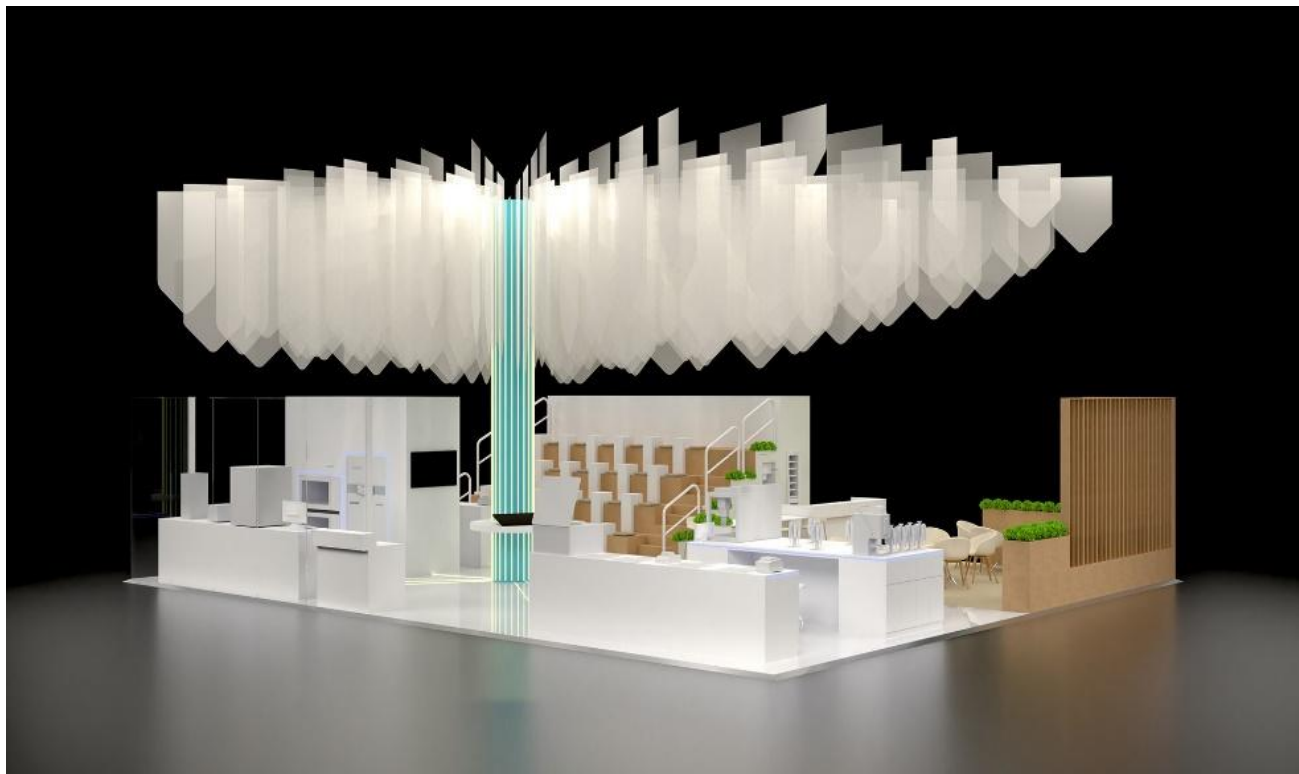


Modernised laws to protect spaces



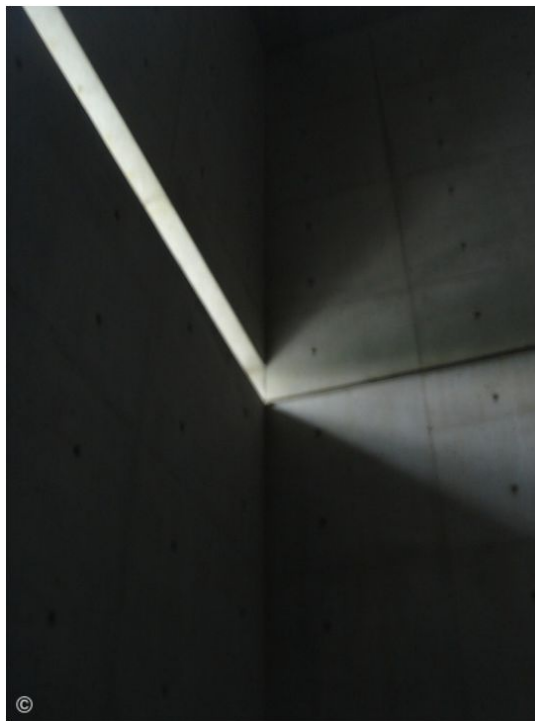
RCD 008200927-0001

Modernised laws to protect spaces



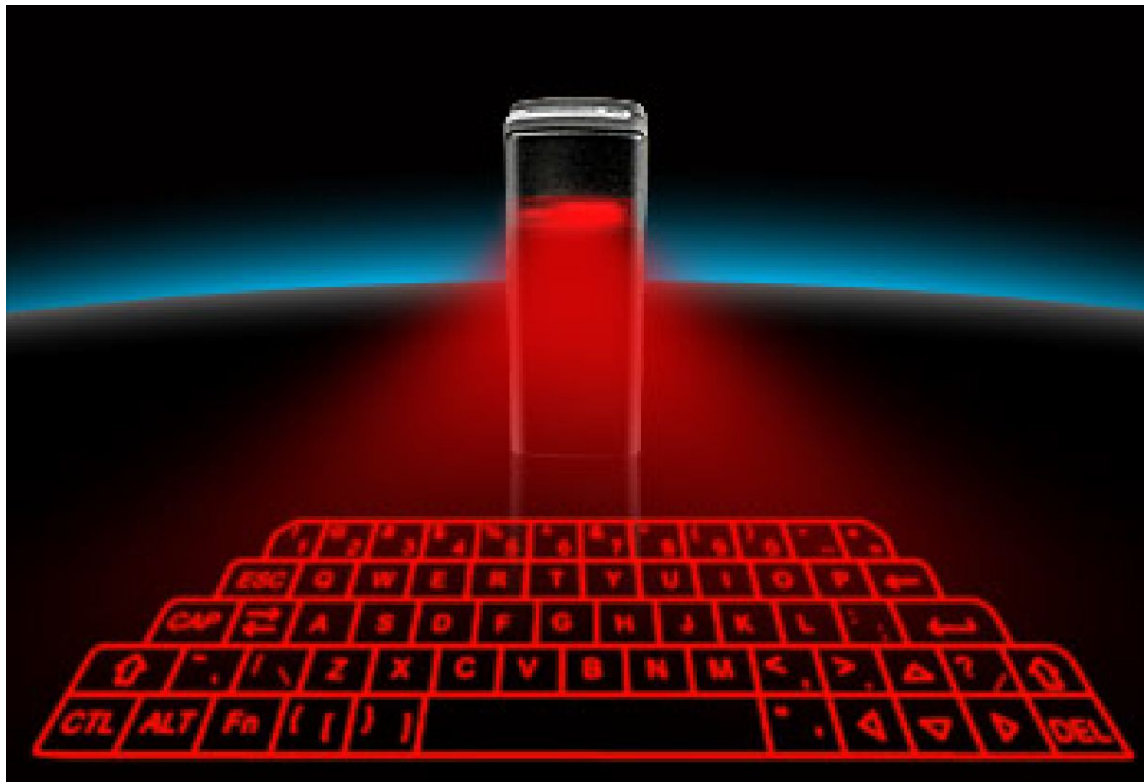
RCD 015006467-0001

Modernised laws to clarify the object and scope of a design right



[Church of the Light / Tadao Ando Architect](#)

Modernised laws to clarify the object and scope of a design right



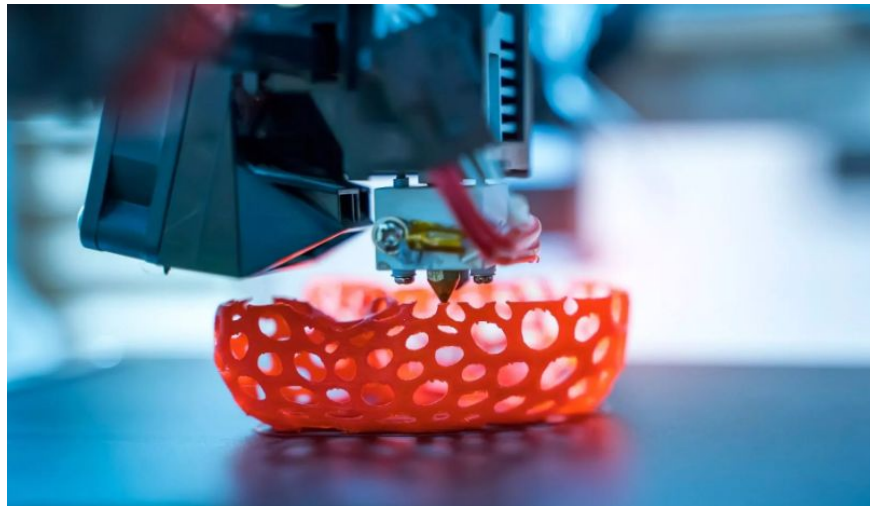
Modernised laws to clarify the object and scope of a design right

Scope of the exclusive right extended to cover

- Acts enabling copies to be made using 3D Printing technologies

Limitations of the effects of a design include

- Referential use
- Acts for purpose of comment, critique or parody

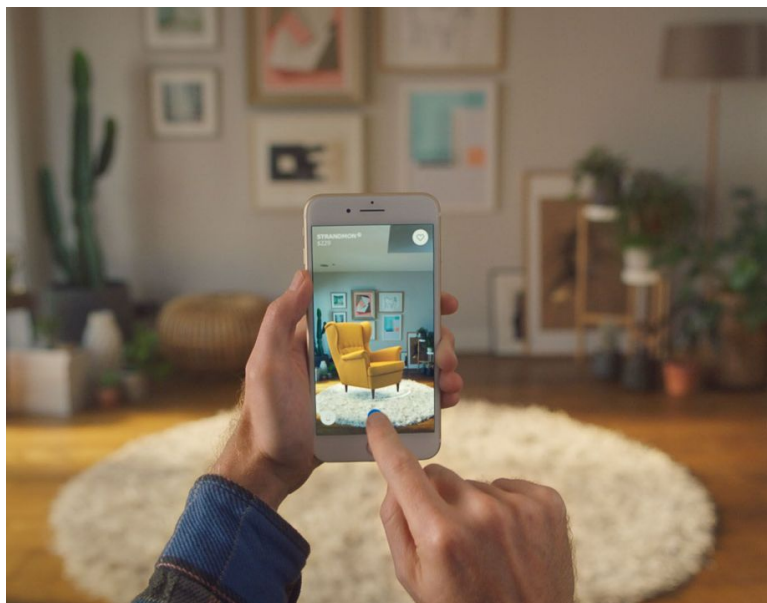


[Is 3D printing the key to a sustainable fashion industry?](#)

[Euronews](#)

Challenges – limits of design protection

From UI (user interface) to UX (user experience)
Where are the limits of design protection?



[App Ikea](#)



[App Shuffles](#)

Challenges - new design representation regime

New Designs Directive allows:

- static,
 - dynamic
 - **animated** views
- +
- drawings
 - Photographs
 - **Videos**
 - **computer imaging**

Other rules to determine in the future:

- Size of electronic file: 2 MB for **MP4**, OBJ, STL and X3D
- Formats: OBJ, STL and **X3D** (one 3D dynamic views) **STEP, IGES, U3D** + **MP4** + **PNG, TIFF, GIF, SVG**

*Trade marks

*WIPO recommendations

*Currently allowed for RCDs

Challenges - design awareness raising

'Article 26a

Registration symbol



The holder of a registered EU design may inform the public that the design is registered by displaying on the product in which the design is incorporated or to which it is applied the letter D enclosed within a circle. Such design notice may be accompanied by the registration number of the design or hyperlinked to the entry of the design in the Register.;

AI and design rights

AI as a designer

AI to help designers
and examiners

AI to help design
counterfeiters



AI as a designer under EU design law

(#) Artificial intelligence (AI) and related technologies are based on the creation and execution of computer programs which, as such, are excluded from design protection but may be used in developing products eligible for design protection. In order to unlock the potential of human-centred AI in the Union, designs generated by AI and related technologies should be eligible for design protection provided that an intentional human act regarding the design of the features of the particular appearance of the product was involved and all other requirements for protection are fulfilled. Ownership of such AI-generated design should, in principle, lay with the person who performed such act.

“where a design is computer-generated, the right to the EU design shall vest in the person making a choice of the features of the appearance of the design.”

AI to help designers and examiners

DESIGNview

Search 21,708,035 designs
across the European Union and beyond

Type indication of the product



SEARCH

ADVANCED SEARCH



Drag and drop an image or upload it from your computer. JPG PNG GIF TIFF

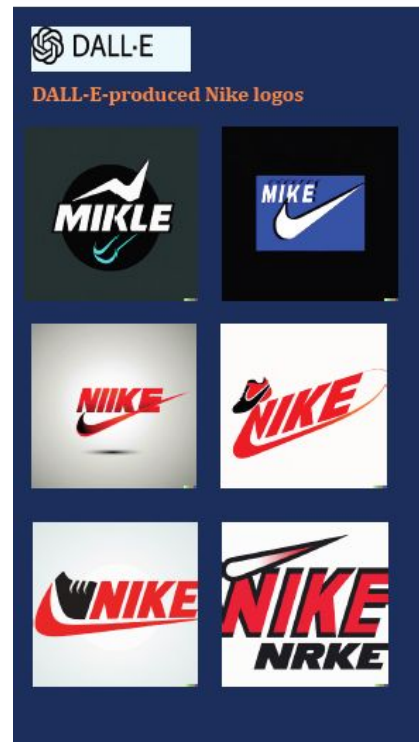
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CONFIGURE YOUR SEARCH

AI to help design counterfeiters

Generative AI could be used to create appropriate images for counterfeit items, such as to design a logo that is close to the original company logo.



Is its protectable as a design?



“A Recent Entrance to Paradise” generated by Stephen Thaler’s computer system called “Creativity Machine”



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THANK YOU